REMARKS

Claims 1-62 are pending in the application. Claims 1-62 have been rejected. Claims 9, 26, 36, 39, 53 and 56 have been amended.

Claim Rejections - 35 U.S.C. § 103

Claims 1-8, 18-25, 32-35, and 45-52 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Born et al. (U.S. Patent No. 6,404,887) in view of Gupta et al. (U.S. Patent No. 5,689,556).

With respect to claim 1, a prima facie case of obviousness has not been established because the combination of the references does not teach each and every element of the invention. The combination of Born and Gupta do not teach each and every element of the claimed invention. In particular, the combination does not teach the element of transmitting through the first connection *data packets*. Born and Gupta do not disclose transmitting data packets, packet networks, or data packets of any kind as the Examiner acknowledged in an Office Action dated January 11, 2005 (page 8, lines 11-12.) Both disclose improvements to the conventional telephone network and have nothing to do with data packets. Claims 2-8 depend from claim 1 and thus a prima facie case of obviousness has similarly not been established with respect to these claims.

Claim 18 includes the element of a means for transmitting through the first connection *data packets* that contain an encoded form of the audio content and thus a prima facie case of obviousness has also not been established with respect to these claims. Claims 19-25 depend from claim 18 and thus a prima facie case of obviousness has similarly not been established with respect to these claims.

Claim 32 includes the element of transmitting through the first connection *data packets* that contain an encoded form of the audio content and thus a prima facie case of obviousness has also not been established with respect to these claims. Claims 33-35 depend from claim 32 and thus a prima facie case of obviousness has similarly not been established with respect to these claims.

Claim 45 includes the element of transmitting through the first connection *data packets* that contain an encoded form of the audio content and thus a prima facie case of obviousness has also not been established with respect to these claims. Claims 46-52 depend from claim 32 and thus a prima facie case of obviousness has similarly not been established with respect to these claims.

Claims 9-11, 26-28, 36-44, and 53-62 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Born et al. in view of Gupta et al. as applied to claims 1-8, 18-25, 32-35, and 45-52 above, and further in view of Meek (U.S. Patent No. 6,304,655).

With respect to claim 9, a prima facie case of obviousness has not been established because the combination of the references does not teach multiple elements of the claimed invention. Claim 9 has been amended for clarification purposes. Applicant has clarified that the network call manager connection does not transmit voice data (see page 4, lines 15-16 and Fig. 1A where it is shows that the network call manager does not transmit voice data). Applicant has clarified that the warning signal is sent in at least one packet (see page 4, lines 29-33.) Applicant has clarified that the warning signal is transmitted to be received by an IP telephone with an acoustic echo canceller (see page 5, lines 3-6.)

In particular, the combination does not teach the element of a signaling network call manager to assist the first device establish a communication connection with the second device *through a packet switched network.* Born, Gupta and Meek do not disclose establishing a communication connection through a packet switch network. Born and Gupta disclose improvements to the conventional telephone network and have nothing to do with packet switched networks as acknowledged by the Examiner. Meek discloses a signal capture control apparatus to be used in a switch in a conventional telephone network. Meek only mentions IP networks (an example of a packet switched network) in one sentence. That sentence (col. 10, lines 53-56) indicates only that his signal capture control apparatus could be used in a gateway for passing calls between PSTN and IP networks. However, this statement of compatibility is not a disclosure of a communication through a packet switched telephone network.

Even if the statement by Meek were a disclosure of a communication through a packet switched network, Meek is only discussing switches and not a network call manager that is the subject of claim 9. The combination of Born, Gupta and Meek would thus only produce a conventional telephone network possessing echo canceling and including a switch-monitoring device. A switch is not a network call manager because a switch transmits voice data.

The combination of the references does not establish a first network call manager connection that does not transmit voice data with a first device. The Examiner alleges that Born teaches this element where Born teaches that an IXC routes calls between calling and called parties. The routed calls are not *network call manager connections* because the routed calls transmit voice data directly between the ICX and the first device. A network call

manager is illustrated in the present specification Fig. 1A where it is shown that the call manager does not transmit voice data.

Furthermore, the Examiner alleges that Borne teaches transmitting the warning signal in at least one packet through one of the first and second connections. Borne does not teach this element because in Borne the echo canceller receives a modulation. A modulation is not a packet. An IP telephone would not be able to respond or determine what the modulation of Borne is because the modulation is not a packet. Borne does not teach the element of transmitting *the warning signal in at least one packet* through one of the first and second connections. Claims 10-11 depend from claim 9 and thus a prima facie case of obviousness has similarly not been established with respect to these claims.

Claims 26, 36, and 53 have been amended in a similar fashion as claim 9 and are allowable for at least the same reasons. Claims 27-28, 37-38 and 54-55 depend from claims 26, 36 and 53 respectively and should be allowed for at least the same reasons as claims 26, 36 and 53.

The combination of Borne, Gupta and Meek do not teach each and every element of claim 39 for at least similar reasons as claim 9. Claims 40-44 depend from claim 39 and should be allowed for at least the same reason as claim 39. Claim 56 should be allowed for at least similar reasons as claim 39. Claims 57-62 depend on claim 56 and should be allowed for at least the same reason as claim 56.

Claims 12-13 and 29-30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Washiya (U.S. Patent No. 6,700,979) in view of Gupta et al.

With respect to claim 12, a prima facie case of obviousness has not been established because the combination of Washiya and Gupta does not teach each and every element of the invention. Claim 12 claims a telephone comprising the element of a decoder for decoding *the data packets* to output an incoming audio signal. As discussed previously, and as acknowledged by the Examiner, Gupta relates to conventional telephone networks and has nothing to do with data packets.

Furthermore, Washiya does not discuss or disclose decoding data packets. The Examiner refers applicant to col. 2 and col. 3 that discusses an input terminal of a phone receiving a signal from a radio. Radio signals are *analog* and are not data packets. Washiya does not disclose decoding data packets. Even if Washiya were somehow equipped to work with Gupta, the combination would not even work because Gupta transmits DTMF tones and

not radio signals that Washiya is equipped to receive. Claim 13 depends from claim 12 and thus a prima facie case of obviousness has similarly not been established with respect to this claim. Similarly, a prima facie case of obviousness has not been established with respect to claims 29-30.

Claims 14-17 and 31 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Washiya in view of Gupta et al. as applied to claims 12-13 and 29-30 above, and further in view of Born et al.

A prima facie case of obviousness has not been disclosed with respect to claims 14-17 for at least the same reason as claim 12 because claims 14-17 depend on claim 12. As acknowledged by the Examiner, neither Borne nor Gupta disclose data packets. As explained with regard to claim 12, Washiya also does not disclose data packets because radio signals are not data packets. A prima facie case of obviousness has not been disclosed with respect to claim 31 for at least the same reason as claim 29 because claim 31 depends on claim 29

CONCLUSION

For the foregoing reasons, reconsideration and allowance of claims 1-62 of the application as amended is solicited. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,

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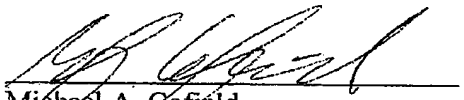

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